

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----X
RAFAEL CARREON, Individually and on
Behalf of All Other Persons Similarly Situated,

Plaintiff,

v.

Civ. No. CV 07-3633

BEM BOLADO FOOD CORP.
a New York corporation, BARDOLINO'S
RESTAURANT, a New York corporation,
ANHANGUERA FOOD CORP.,
a New York corporation and
VALBER ROQUE JUNIOR, Jointly and severally,

**AMENDED
VERIFIED ANSWER
TO AMENDED
VERIFIED COMPLAINT**

Defendants.
-----X

SIRS:

PLEASE TAKE NOTICE, that the defendants, BEM BOLADO FOOD CORP., BARDOLINO'S, ANHANGUERA FOOD CORP. and VALBER ROQUE JUNIOR, as they appear in the named complaint, by their attorneys McCulloh & Weiss, LLC., hereby appears in this proceeding and demands that you serve all papers and notices in this proceeding upon the undersigned at the office address stated below.

PLEASE TAKE FURTHER NOTICE, that the defendants, by their attorneys McCulloh & Weiss, LLC., as and for their Amended Verified Answer to Plaintiff's Amended Verified Complaint, respectfully alleges upon information and belief:

1. Admits the allegations contained in paragraphs 4, 5, 7, 8, 9, 10, and 17 of the complaint.
2. Denies each and every allegation contained in paragraphs 1, 2, 12, 18, 19, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, and 37 of the complaint.

3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 6, 11, 14, 15, 16, 21-question not clear, 22, 23, 24, 31 and 32 of the complaint.

4. Neither admits or denies allegations contained in paragraphs 3, 13, 20 and in that they involve questions of law.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

5. Plaintiff's Complaint fails to state a cause of action upon which relief can be granted.

WHEREFORE, the defendants request that the Verified Complaint be dismissed in its entirety and such other relief as to the Court deems just and proper.

Dated: New York, New York
October 17, 2007

By: /S
William C. McCulloh, Esq.

McCULLOH & WEISS, LLC.
Attorneys for Defendants
110 East 59th Street, 23rd Floor
NY, NY, 10022
Tel: (212)521-0828
Fax:(212)521-0826

To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the annexed Amended Verified Answer and the contentions therein are not frivolous as defined in Subsection (c) of Section 130-1.1.

Dated: New York, New York
October 17,2007

By: _____/S_____
WILLIAM C. McCULLOH, Esq.

McCulloh & Weiss, LLC.
Attorneys for Defendants
110 East 59th Street, 23rd Floor
NY, NY, 10022
(631)422-1500

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

**RAFAEL CARREON, on behalf of himself
and all other persons similiarly situated,**

Plaintiff ,

Index No: 07CV-3633

-against-

VERIFICATION

BEM BOLANDO FOOD CORP., et al.

Defendants,

-----X

STATE OF NEW YORK: COUNTY OF NEW YORK:

VALBER ROQUE JUNIOR, being first duly sworn deposes and says that:

I am the defendant and President of the defendant corporations named in the
above-titled action.

I have read and been read the foregoing AMENDED VERIFIED ANSWER and
know the contents thereof and the same to be true to my own knowledge, except as to
those matters said to be alleged upon information and belief, and as to those matters, I
believe them to be true and accurate.

/S
VALBER ROQUE JUNIOR

Sworn before me on the
22nd Day of October 2007

/S
Notary Public